

REMARKS

Claims 1-9, 12, 14 and 20 have been cancelled, and claims 10, 16-18, 21, 23 and 25 have been amended. Accordingly, Claims 10-11, 13, 15-19 and 21-25 remain in the Application.

Applicant notes that the formal drawings and substitute specification have been approved.

Claims 10, 11, 13, 15-19 and 21-25 have been rejected under 35 U.S.C. 112 as indefinite. Applicant submits that the present amendments made to the Claims obviate this rejection. Reconsideration is respectfully solicited.

Claims 10, 11, 13, 15-19 and 21-25 have been rejected under 35 U.S.C. 103(a) as unpatentable over Katsumi in view of Sasaki et al. As pointed out by the Examiner Katsumi fails to disclose Applicant's recited elastic pretensioning device surrounding the recited actuators. However, the Examiner asserts that since Sasaki shows an elastic pipe 14 for a vibration damper in his Fig. 1, it would have been obvious to modify Katsumi's assembly "to provide further dampening capability". Applicant respectfully traverses the rejection. As now explicitly recited in Applicant's Claims, Applicant's pretensioning device is not merely a means to "provide further dampening capability", it is a means to apply a compressive preload to and across the recited first and second energy conversion systems. Neither Katsumi nor Sasaki et al suggest or disclose such feature.

The Examiner has cited the recitation in col. 2; lines 48-55 of Sasaki, viz,

"The high damping elastomer in the shakeproof bearing of the invention is disposed on the outer circumference of the bearing body subjected to vertical load, and is free to bulge out to the deformation stress due to

external force when struck by an earthquake. Accordingly, it is free from vertical load, and creep is not generated, and hence the life is long.”

as stating that “the elastomer is free from vertical load when it is bulge(SIC) out due to external force from an earth quake.” He then goes on to argue that “It does not mean that the elastomer is not pretensioned as concluded by Applicant. In fact it means the opposite.” And goes on to conclude that “Since the elastomer is free from vertical load when it bulges out, it means that when the elastomer is straight, it is pretensioned.”

Applicant respectfully submits that the Examiner has misinterpreted the Sasaki recitation, which is in fact contrary to such interpretation and states that “The high damping elastomer... is free to bulge out to the deformation stress due to external force when struck by an earthquake”, and not that “the elastomer is free from vertical load when it bulges out” as alleged by the Examiner.

Furthermore, the Examiner again misinterprets Sasaki’s statement in column 3, lines 35-39. Sasaki does not state that “the elastic plate 11 is in compression and that the level of compression can be adjusted by adjusting the elastomer 14.” To the contrary, what Sasaki rather inartfully states in his referenced recitation is that

“If the damping capacity of the rubber-like elastic plate 11 low in compression set is high or low, it may be adjusted by varying the quantity or performance of the externally mounted high damping elastomer 14.”

Clearly, the phrase “low in compression set” should have been set out with commas. But in any case, Sasaki was obviously talking about the damping capacity being high or low, and not suggesting that the elastic plate 11 is in compression. The term “compression set” refers to the ability of a compressed

elastic material to return to its natural state after having been compressed. See for example the following sentence, viz,

"As the rubber-like elastic body 11 low in compression set such as natural rubber, it means an elastomer of which compression set is 25% or less."

Accordingly, the Examiner's conclusion that "elastomer 14 is pretensioned in order to compress the elastomer 11" is totally unsupported and must be withdrawn because Sasaki clearly does not show "that the elastic tube14 is pretensioned in the same way as claimed by Applicant."

Reconsideration of the rejection and an early notice of allowance is respectfully requested. In the event that the Examiner should remain adamant in maintaining the rejection, Applicant requests the courtesy of a prompt notice thereof so that a notice of appeal can be timely filed.

Respectfully submitted,

Date: June 24, 2008

By: /claude hamrick/
Claude A.S. Hamrick
Registration No. 22586
Attorney Dkt. No. 1033832-000013